

### III. REMARKS

1. Claims 14, 15, 20 and 21 are amended. Claims 26 and 27 are new.

2. Applicants respectfully disagree with the Examiner's withdrawal from consideration of claims 22-25 as being drawn to a nonelected group (method). The election/restriction that was the subject of paper number 5, applied to claims 1-13, drawn to a method of forming an electrical interconnection. Claims 22-25 are drawn to a method of using a heat activated contact. It is improper for the Examiner to generically lump claims 22-25 into the categories that are the subject of Paper No. 5. Reconsideration is respectfully solicited.

3. Claim 15 has been amended to address the Examiner's rejection of claims 15-18 under 35 U.S.C. §112, second paragraph. The change is merely grammatical and does not further limit or narrow the scope of the claims.

4. Claims 14, 19 and 20 are not anticipated by Berger et al. (US Patent No. 6287126) ("Berger") under 35 U.S.C. §102(e).

Berger does not disclose or suggest a flexible conductive body comprising a shape memory material. Berger also does not disclose or suggest a flexible conductive body set into a second compressed position between the first electronic device and the second electronic device. Berger also does not disclose or suggest a flexible conductive body in a third expanded position upon heat activation to establish the electrical connection.

Berger has helical compressive elements 13 and 15, which are essentially springs. They are used primarily for mechanical support (Col. 4, lines 21-31). They are not expanded into a

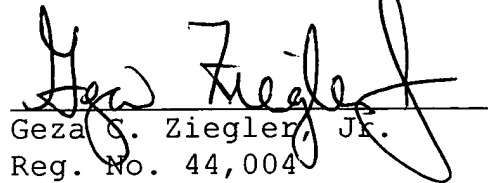
third position as in Applicants' invention. Rather, the upper substrate is pushed down to allow the hooks to slide together. This is not the same as "activation" in Applicants' invention. Thus, claims 14, 19 and 20 are not anticipated by Berger.

5. With respect to the rejection of claims 15-18 and 21 as being unpatentable over Berger in view of Momose (JP 03023379A), it is respectfully submitted that Berger is not available as a reference for purposes of 35 U.S.C. §103(a). Pursuant to 35 U.S.C. §103(c), subject matter that qualifies as prior art only under 35 U.S.C. 102(e) shall not preclude patentability under 35 U.S.C. §103(c), where the subject matter and the claimed invention, were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Berger is owned by International Business Machines Corp. The instant application is also owned by International Business Machines Corp. as recorded on January 3, 2002, Reel/Frame: 012526/0619. Therefore, Berger is not available for purposes of 35 U.S.C. §103(a).

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-0510.

Respectfully submitted,

  
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1 DECEMBER 2003  
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